

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16172 of the Assembly of Christian Churches, pursuant to 11 DCMR 3108.1, for a special exception under Section 730 to allow accessory parking spaces to be located elsewhere than on the same lot on which the principal use, a church, is located (4101 9th Street, N.W.) in a C-2-A District at premises 4121 9th Street, N.W. (Square 3025, Lots 810 and 811).

HEARING DATE: November 20, 1996
DECISION DATE: November 20, 1996 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 4C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 4C. ANC 4C, which is automatically a party to the application, did not submit a written statement related to the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 730. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for a period of **TEN YEARS**.
2. The number of parking spaces shall not exceed 22 spaces. The parking layout shall be as identified on the site plan marked as Exhibit No. 26 of the record.

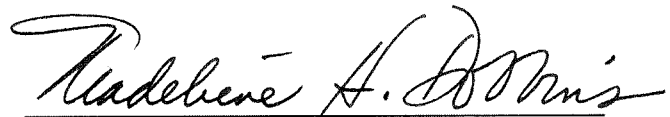
3. The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot or building line.
4. No other use shall be conducted from or upon the premises, and no structure other than an attendant's shelter shall be erected or used upon the premises unless the use or structure is otherwise permitted in the district in which the parking lot is located (i.e., C-2-A).
5. Any lighting used to illuminate the parking lot shall be arranged so that all direct rays of the lighting are confined to the surface of the parking lot.
6. The applicant shall landscape areas of the church building site on the south and the southwest corner of the property.
7. The parking lot shall be kept free of refuse and debris at all times.
8. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance at all times.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 5-0 (Angel F. Clarens, Jerrily R. Kress, Susan Morgan Hinton, Sheila Cross Reid and Laura M. Richards to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: _____

DEC 6 1996

BZA APPLICATION NO. 16172
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PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord16172/TWR/LJP

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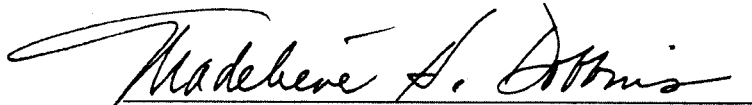
BZA APPLICATION NO. 16172

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on DEC 6 1996 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Mo K. Kwun
207 Shaw Avenue
Silver Spring, Maryland 20904

Rev. Margarito Coyoy
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P.O. Box 43504
Washington, D.C. 20010

Audrey J. Hendricks, Chairperson
Advisory Neighborhood Commission 4C
4020 8th Street, N.W.
Washington, D.C. 20011


MADELIENE H. DOBBINS
Director

DATE: DEC 6 1996